

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

RANDY ROSEN, <i>as</i>	:	CASE NO. 1:21-cv-02104
<i>Administrator of the Estate of</i>	:	
<i>Rita Rosen (Deceased)</i>	:	OPINION & ORDER
Plaintiff,	:	[Resolving Doc. 26]
v.	:	
MONTEFIORE, et al.,	:	
Defendants.	:	

RUBY CONNER, <i>as</i>	:	CASE NO. 1:21-cv-02108
<i>Administrator of the Estate of</i>	:	
<i>Frank S. Conner (Deceased)</i>	:	OPINION & ORDER
Plaintiff,	:	[Resolving Doc. 33]
v.	:	
MONTEFIORE, et al.,	:	
Defendants.	:	

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Plaintiffs filed suit against a nursing home and its employees in the Cuyahoga County Court of Common Pleas.¹ Defendants removed to federal court based on federal question jurisdiction and federal officer removal.² This Court granted Plaintiffs' remand motions on January 31, 2022.³

Defendants now request a 30-day stay of enforcement of the Court's remand order to

¹ Doc. 1-2 (Case No. 1:21-cv-02104); Doc. 1-2 (Case No. 1:21-cv-02108).

² Docs. 1, 13 at 19–20 (Case No. 1:21-cv-02104); Docs. 1, 22 at 19–20 (Case No. 1:21-cv-02108); 28 U.S.C. §§ 1331, 1441(a), 1442(a)(1), 1446.

³ Doc. 23 (Case No. 1:21-cv-02104); Doc. 31 (Case No. 1:21-cv-02108).

Case Nos. 1:21-cv-02104; 1:21-cv-02108

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provide Defendants an opportunity to file a Notice of Appeal.⁴

Rule 62(a) provides that “execution on a judgment and proceedings to enforce it are stayed for 30 days after its entry, unless the court orders otherwise.”⁵ Rule 54(a) defines a judgment as including “any order from which an appeal lies.”⁶ An order remanding a case removed under the federal officer removal statute is reviewable on appeal.⁷

Accordingly, the Court **VACATES** the judgments in these related cases, **REINSTATES** the matters, **RECALLS** the papers delivered to the State courts on remand, and **STAYS** further proceedings pending appeal or until March 2, 2022 if Defendants do not appeal.

IT IS SO ORDERED.

Dated: February 17, 2022

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁴ Doc. 26 (Case No. 1:21-cv-02104); Doc. 33 (Case No. 1:21-cv-02108)

⁵ Fed. R. Civ. P. 62(a).

⁶ Fed. R. Civ. P. 54(a).

⁷ 28 U.S.C. § 1447(d).